



General Assembly

February Session, 2008

Raised Bill No. 686

LCO No. 3155

03155_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE APPLICABILITY OF CERTAIN STATE
CONTRACTING REQUIREMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 4a-60 of the 2008 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2008*):

4 (a) Every contract to which the state or any political subdivision of
5 the state other than a municipality is a party, except for a contract
6 between the state or any political subdivision of the state and the
7 federal government or a contract between the state and any political
8 subdivision of the state, shall contain the following provisions: (1) The
9 contractor agrees and warrants that in the performance of the contract
10 such contractor will not discriminate or permit discrimination against
11 any person or group of persons on the grounds of race, color, religious
12 creed, age, marital status, national origin, ancestry, sex, mental
13 retardation or physical disability, including, but not limited to,
14 blindness, unless it is shown by such contractor that such disability
15 prevents performance of the work involved, in any manner prohibited
16 by the laws of the United States or of the state of Connecticut. The

17 contractor further agrees to take affirmative action to insure that
18 applicants with job-related qualifications are employed and that
19 employees are treated when employed without regard to their race,
20 color, religious creed, age, marital status, national origin, ancestry, sex,
21 mental retardation, or physical disability, including, but not limited to,
22 blindness, unless it is shown by such contractor that such disability
23 prevents performance of the work involved; (2) the contractor agrees,
24 in all solicitations or advertisements for employees placed by or on
25 behalf of the contractor, to state that it is an "affirmative action-equal
26 opportunity employer" in accordance with regulations adopted by the
27 commission; (3) the contractor agrees to provide each labor union or
28 representative of workers with which such contractor has a collective
29 bargaining agreement or other contract or understanding and each
30 vendor with which such contractor has a contract or understanding, a
31 notice to be provided by the commission advising the labor union or
32 workers' representative of the contractor's commitments under this
33 section, and to post copies of the notice in conspicuous places available
34 to employees and applicants for employment; (4) the contractor agrees
35 to comply with each provision of this section and sections 46a-68e and
36 46a-68f and with each regulation or relevant order issued by said
37 commission pursuant to sections 46a-56 of the 2008 supplement to the
38 general statutes, 46a-68e and 46a-68f; (5) the contractor agrees to
39 provide the Commission on Human Rights and Opportunities with
40 such information requested by the commission, and permit access to
41 pertinent books, records and accounts, concerning the employment
42 practices and procedures of the contractor as relate to the provisions of
43 this section and section 46a-56 of the 2008 supplement to the general
44 statutes. If the contract is a public works contract, the contractor agrees
45 and warrants that he will make good faith efforts to employ minority
46 business enterprises as subcontractors and suppliers of materials on
47 such public works project. Prior to entering into the contract, the
48 contractor shall provide the state or such political subdivision of the
49 state with documentation in the form of a company or corporate policy
50 adopted by resolution of the board of directors, shareholders,

51 managers, members or other governing body of such contractor to
52 support the nondiscrimination agreement and warranty under
53 subdivision (1) of this subsection. For the purposes of this section,
54 "contract" includes any extension or modification of the contract, and
55 "contractor" includes any successors or assigns of the contractor.

56 Sec. 2. Section 4a-60a of the 2008 supplement to the general statutes
57 is repealed and the following is substituted in lieu thereof (*Effective*
58 *October 1, 2008*):

59 (a) Every contract to which the state or any political subdivision of
60 the state other than a municipality is a party, except for a contract
61 between the state or any political subdivision of the state and the
62 federal government or a contract between the state and any political
63 subdivision of the state, shall contain the following provisions: (1) The
64 contractor agrees and warrants that in the performance of the contract
65 such contractor will not discriminate or permit discrimination against
66 any person or group of persons on the grounds of sexual orientation,
67 in any manner prohibited by the laws of the United States or of the
68 state of Connecticut, and that employees are treated when employed
69 without regard to their sexual orientation; (2) the contractor agrees to
70 provide each labor union or representative of workers with which such
71 contractor has a collective bargaining agreement or other contract or
72 understanding and each vendor with which such contractor has a
73 contract or understanding, a notice to be provided by the Commission
74 on Human Rights and Opportunities advising the labor union or
75 workers' representative of the contractor's commitments under this
76 section, and to post copies of the notice in conspicuous places available
77 to employees and applicants for employment; (3) the contractor agrees
78 to comply with each provision of this section and with each regulation
79 or relevant order issued by said commission pursuant to section 46a-56
80 of the 2008 supplement to the general statutes; (4) the contractor agrees
81 to provide the Commission on Human Rights and Opportunities with
82 such information requested by the commission, and permit access to
83 pertinent books, records and accounts, concerning the employment

84 practices and procedures of the contractor which relate to the
85 provisions of this section and section 46a-56 of the 2008 supplement to
86 the general statutes. Prior to entering into the contract, the contractor
87 shall provide the state or such political subdivision of the state with
88 documentation in the form of a company or corporate policy adopted
89 by resolution of the board of directors, shareholders, managers,
90 members or other governing body of such contractor to support the
91 nondiscrimination agreement and warranty under subdivision (1) of
92 this subsection. For the purposes of this section, "contract" includes
93 any extension or modification of the contract, and "contractor" includes
94 any successors or assigns of the contractor.

95 (b) The contractor shall include the provisions of subsection (a) of
96 this section in every subcontract or purchase order entered into in
97 order to fulfill any obligation of a contract with the state and such
98 provisions shall be binding on a subcontractor, vendor or
99 manufacturer unless exempted by regulations or orders of the
100 commission. The contractor shall take such action with respect to any
101 such subcontract or purchase order as the commission may direct as a
102 means of enforcing such provisions including sanctions for
103 noncompliance in accordance with section 46a-56 of the 2008
104 supplement to the general statutes; provided, if such contractor
105 becomes involved in, or is threatened with, litigation with a
106 subcontractor or vendor as a result of such direction by the
107 commission, the contractor may request the state of Connecticut to
108 enter into any such litigation or negotiation prior thereto to protect the
109 interests of the state and the state may so enter.

110 Sec. 3. Section 46a-68b of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2008*):

112 (a) As used in this section and sections 4a-60 of the 2008 supplement
113 to the general statutes, as amended by this act, 4a-60a of the 2008
114 supplement to the general statutes, as amended by this act, 4a-60g of
115 the 2008 supplement to the general statutes, 4a-62, 46a-56 of the 2008

116 supplement to the general statutes and 46a-68c to 46a-68k, inclusive:
 117 "Public works contract" means any agreement between any individual,
 118 firm or corporation and the state or any political subdivision of the
 119 state other than a municipality for construction, rehabilitation,
 120 conversion, extension, demolition or repair of a public building,
 121 highway or other changes or improvements in real property, or which
 122 is financed in whole or in part by the state, including, but not limited
 123 to, matching expenditures, grants, loans, insurance or guarantees.

124 (b) As used in sections 4a-60 of the 2008 supplement to the general
 125 statutes, as amended by this act, 4a-60a of the 2008 supplement to the
 126 general statutes, as amended by this act, and sections 46a-68c to 46a-
 127 68k, inclusive: "Contract" does not include a contract between the state
 128 or any political subdivision of the state and the federal government or
 129 a contract between the state and any political subdivision of the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	4a-60(a)
Sec. 2	<i>October 1, 2008</i>	4a-60a
Sec. 3	<i>October 1, 2008</i>	46a-68b

Statement of Purpose:

To provide that certain state contracting requirements do not apply to contracts between the state and a municipality or between the state and the federal government.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]